

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

**ORDINANCE NO. 2014-\_\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE NO. 2013-6, THE SUSTAINABLE LAND  
DEVELOPMENT CODE (SLDC).**

**WHEREAS**, on December 10, 2013, the Board of County Commissioners voted to adopt Ordinance 2013-6, the Sustainable Land Development Code ("SLDC");

**WHEREAS**, at the time of its December 10, 2013 vote to adopt the SLDC, the Board of County Commissioners directed County staff to review the SLDC and come back to Board with recommended changes and Section 1.13 of the SLDC provides that "The Board shall review the SLDC at the time of adoption of the Zoning Map...";

**WHEREAS**, staff did review the SLDC since the adoption vote;

**WHEREAS**, Ordinance 2013-6 stated that "The Board shall review the Sustainable Land Development Code at the time of adoption of the Zoning Map and six (6) months thereafter"; and

**WHEREAS**, Ordinance 2013-6 although adopted, by its own terms does not become effective until 30 days after the adoption and recording of a Zoning Map.

**NOW THEREFORE**, be it enacted by the Board of County Commissioners of Santa Fe County to adopt the following changes in amending Ordinance 2013-6, the County's Sustainable Land Development Code:

**A new section with the following language shall be added as §1.11.8:**

**1.11.8. Development Approval for Applications in Process.** Any application for a development approval, which has been deemed complete by the Administrator prior to the effective date of this SLDC may be approved in conformance with the 1996 Santa Fe County Land Development Code so long as the application is able to move through the process within a reasonable period of time not to exceed 12 months. Development of any subsequent phase or further application related to the same development shall be in compliance with this SLDC.

1. **The following change shall be made to § 1.15.6.2:**

**1.15.6.2. Criteria.**

\* \* \*

**3. Suitability as Presently Zoned.** The Board shall consider the suitability or unsuitability of the tract, parcel or lot for its use as presently zoned. This factor shall however, be weighed in relation to proof of a clerical mistake in the text or map dimensions and uses of the zoning district, substantially changed conditions in the area surrounding the property, or to effectuate the important findings of § 1.15.7.2 § 1.15.6.2,

and is supported by the goals, policies, and strategies of the SLDC, the SGMP, Area, District or Community Plan.

2. **The following changes shall be made to § 4.4.5:**

**4.4.5. Application.**

\* \* \*

**4.4.5.3. Fees.** Before an application will be deemed complete for consideration, all required application fees as set forth in the Board-approved Permit and Review Ordinance, shall be paid to the Administrator.

3. **The following new language shall be added to § 4.4.13:**

**4.4.13. Findings of Fact, Conclusions of Law.** Written notice of a final decision of the Planning Commission or the Board to approve, or approve with conditions, an application pursuant to NMSA 1978, Sec. 39-3-1.1, which can be in the form of a development order, shall constitute the issuance of the permit. Staff or the Hearing Officer where one is used as indicated in Table 4-1, shall prepare findings of fact and conclusions of law pursuant to NMSA 1978, Sec. 39-3-1.1 to document final action taken on each application. Such findings and conclusions shall be approved by the decision-making body and filed with the County Clerk.

4. **The following new language shall be added to § 5.7.11:**

**5.7.11. Expiration of Preliminary Plat.** An approved or conditionally approved preliminary plat shall expire unless the applicant obtains a development order granting approval of the final plat within twenty-four months (24) from the date of preliminary plat approval or conditional approval. Prior to the expiration of the approved or conditionally approved preliminary plat, the applicant may submit an application for extension, for approval by the Board, for a period of time not to exceed a total of thirty-six (36) months from the original approval date. No further extension shall be granted under any circumstances and the preliminary approval shall become null and void upon expiration of the preliminary plat. No application for final plat approval shall be allowed to be submitted after the preliminary plat has expired. The expiration of the approved or conditionally approved preliminary plat shall terminate all proceedings on the subdivision, and no final plat shall be filed without first processing a new preliminary plat.

5. **The following change shall be made to Table 6-1 (Required Studies, Reports and Assessments (SRAs)):**

The acronym “FIS” appearing as an SRA Type at the head of a column shall be deleted and replaced with “FIA” which stands for “fiscal impact assessment.”

6. **The following changes shall be made to § 6.2.1:**

**6.2. PREPARATION AND FEES.**

**6.2.1. Applicant prepared.** Except for DCIs, an applicant for discretionary development approval shall prepare their own SRAs as required in this Chapter. The applicant shall ~~deposit, as determined in the Fee Schedule approved by the Board, cash, a certified check, bank check or letter of credit, to cover~~ be responsible for all of the County’s expenses in reviewing the SRA, including engaging consultants.

7. **The following new language shall be added to § 6.4.2.1:**

**6.4.2.1. Roads.** The APFA shall calculate the LOS for roads consistent with Table 12-1. The impact of the proposed development shall be measured by average daily trips and peak-hour trips based upon the Transportation Research Board's "Highway Capacity Manual 2000". The APFA shall describe the means by which the transportation capacity of the system will be expanded without destroying historic and traditional built environment. For purposes of the APFA, average daily traffic assumes 10 trips per day per dwelling unit or building lot.

8. **Table 7-9 shall be changed as follows:**

a. in the 101-300 row the number ~~8~~ shall be stricken and replaced with the number 7 in the Minimum number of spaces column.

b. In the 301-500 row the number ~~42~~ shall be stricken and replaced with the number 9 in the Minimum number of spaces column.

A complete version of Table 7-9 depicting all changes follows:

**Table 7-9. Accessible Parking Spaces.**

Total parking spaces provided	Minimum # of accessible spaces	Minimum # of van-accessible spaces
1-25	1	1
26-35	2	1
36-50	3	1
51-100	4	1
101-300	<u>7</u>	1
301-500	<u>9</u>	2
501-800	16	2
801-1000	20	3
Over 1000	20 + 1 per each 100 spaces, or fraction thereof, over 1,000	1 out of every 8 accessible spaces, or fraction thereof

9. **The following new language shall be added to § 7.11.11.3.2:**

**7.11.11.3. Access to Subdivisions, Non-Residential Development and Multi-Family Development.**

**2.** Major subdivisions of thirty-one (31) lots or more, those with 31 or more development units, or those non-residential developments consisting of 25,000 square feet or more, shall provide access to an existing County road, highway, state highway or federal highway and shall provide a minimum of two (2) access points to the referenced roadway. Such development shall also provide for connections to roads and highways

identified on the Official Map.

10. **Table 7-12 shall be changed as follows:**

a. The word Major shall be added before “Arterial or highway” in the far left column; the reference 2- shall be added before the number “6” under the “# of driving lanes” column; the number ~~100~~ shall be stricken and replaced with 150 under the “Minimum ROW (ft)” column.

b. In the “Minor arterial” row, the numbers ~~60 to 100~~ shall be stricken and replaced with 120 under the “Minimum ROW (ft)” column.

c. In the “Collector” row, the numbers ~~45 to 72~~ shall be stricken and replaced with 80 under the “Minimum ROW (ft)” column.

d. In the “Local” row, the numbers ~~34 to 48~~ shall be stricken and replaced with 50 under the “Minimum ROW (ft)” column.

e. In the “Cul-de-Sac” row, the number ~~20~~ shall be stricken and replaced with 38 under the “Minimum ROW (ft)” column.

f. In the driveway row, the number 6 shall be stricken and replaced with 10 in the Max % grade column.

A complete version of Table 7-12 depicting all technical changes follows:

**Table 7-12: Urban Road Classification and Design Standards (SDA-1 and SDA-2).**

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Sidewalks	Bike lanes	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Min. bit. pavement	Max % Super-elev.
<b>Major Arterial or highway</b>	5000 +	2-6	12	Two 5'	Two 5 ft on-road	150	Level: 50+ Rolling: 50+ Mount.: 50+	5%	6"	6"	Refer to AASH TO
<b>Minor arterial</b>	2000 to 4999	2 - 4	12	Two 5'	Two 5 ft on-road	120	Level: 30-60 Rolling: 30-60 Mount.: 30-60	5%	6"	5"	Refer to AASH TO
<b>Collector</b>	601 to 1999	2	11	Two 5'	Two 5 ft on-road	80	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%

							30+				
<b>Sub-collector</b>	301 to 600	2	11	Two 5'	Two 5 ft on-road	60	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
<b>Local</b>	0 to 400	2	10	One 5'	n/a	50	Level: 20-30 Rolling: 20-30 Mount.: 20-30	7%	6"	3"	5%
<b>Cul-de-Sac</b>	0 to 300	2	10	n/a	n/a	38	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	3"	n/a
<b>Alley</b>	n/a	1	12	n/a	n/a	19	n/a	7%	6"	3"	n/a
<b>Driveway</b>	n/a	1	14	n/a	n/a	20	n/a	10%	n/a	n/a	n/a

11. **Table 7-13 shall be changed as follows:**

a. In the "Major arterial" row, the reference 2- shall be added before the number "4" under the "# of driving lanes" column.

b. In the "Minor arterial" row, the numbers ~~70 to 100~~ shall be stricken and replaced with 120 under the "Minimum ROW (ft)" column.

c. In the "Collector" row, the reference ~~60 to~~ shall be stricken under the "Minimum Row (ft)" column.

d. In the "Local" row, the reference ~~0 to 400~~ shall be stricken and replaced with 201-400 under the top half of the "Avg. daily traffic" column; in the same row, add the reference 0-200 under the bottom half of the "Avg. daily traffic" column.

e. In the "Local" row, the number ~~56~~ shall be stricken and replaced with 50 under the "Minimum ROW (ft)" column.

f. In the "Local" row, the number 6" shall be added as the value for both the top and bottom half of the "Min. agg. base course" column. In the same row, the number 4 shall be stricken and replaced with the number 3 on the top half of the "Min. bit. pavement" column.

g. In the “Cul-de-Sac” row, the number ~~20~~ shall be stricken and replaced with 38 under the “Minimum ROW (ft)” column; in the same row, the number ~~4~~ shall be stricken and replaced with 6 under the “Min. agg. Base course” column.

h. A new column entitled Double penetration chipseal with fog coat shall be added between the “Min. agg. Base course” and “Min. bit. pavement” columns; under the same new column, the reference n/a shall be added in each corresponding box except for the word yes which shall be added under the bottom half of the box in the corresponding “Local” row.

i. In the “Driveway” row the number 9 shall be stricken and replaced with the number 10 in the “Max % Grade” column. In the same row, the number ~~4~~ shall be stricken and replaced with the reference “n/a” in the “Min. agg. Base course” column.

A complete version of Table 7-13 depicting all technical changes follows:

**Table 7-13: Rural Road Classification and Design Standards (SDA-3).**

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Non-vehicular side paths	Bike lanes	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Double penetration chipseal with fog coat	Min. bit. pavement	Max % Super-elev.
<b>Major arterial or highway</b>	5000+	2-4	12	n/a	Two 5 ft on-road	150	Level: 70 Rolling: 70 Mount.: 50-60	5%	6"	n/a	6"	8%
<b>Minor arterial</b>	2000 to 4999	2 - 4	12	n/a	Two 5 ft on-road	120	Level: 60-75 Rolling: 50-60 Mount.: 40-50	5%	6"	n/a	5"	8%
<b>Collector</b>	401-1999	2	11	n/a	n/a	80	Level: 40-60 Rolling: 20-50 Mount.: 20-40	8%	6"	n/a	4"	8%
<b>Local</b>	201-400	2	10	n/a	n/a	50	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	n/a	3"	8%
	0-200								6"	yes	n/a	
<b>Cul-de-Sac</b>	0 to 300	2	10	n/a	n/a	38	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	4"	n/a	n/a	n/a

Driveway	n/a	1	14	n/a	n/a	20	n/a	10%	n/a	n/a	n/a	n/a
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12. **The following language shall be deleted from § 7.13.7.1:**

**7.13.7. Self-Supplied Water Systems.**

**7.13.7.1. Community Water Systems.**

1. A ~~self-supplied~~ subdivision shall be required to create a community water system or connect to an existing community water system if specified in Table 7-19.

13. **The following language shall be added to and deleted from § 7.13.10:**

**7.13.10. Self-Supplied Wastewater Systems.** As is the case with water supply and distribution systems, the type of wastewater system required of any development is dependent upon the nature of the development, the adopted Sustainable Development Area (SDA) in which the development is located, and the proximity of the development to the County's wastewater utility. See Table 7-17 and proximity of the development to any public or publicly-regulated wastewater system; See Table 7-19.

**7.13.10.1. General Requirements. Community Wastewater Systems.**

1. A subdivision shall be required to create a community wastewater system or connect to an existing community water system if specified in Table 7-18.

2. A community wastewater system shall meet or exceed all applicable design standards of the New Mexico Environment Department, the Construction Industries Division of the Regulation and Licensing Department and the Office of the State Engineer.

3. A community wastewater system shall be capable of treating the volume of wastewater produced by the development at full build-out and shall be designed to treat a peak rate of flow.

4. A community wastewater system shall be designed under the supervision of a New Mexico registered professional engineer. Any expansion of an existing community wastewater system to supply new development shall likewise be designed under the supervision of a New Mexico registered professional engineer.

5. Easements, including construction easements, shall be provided.

6. Management of a community wastewater system shall be accomplished by a competent, professional manager or management consultant. A qualified and certified operator shall be employed or contracted to operate the community wastewater system. The management structure of a community wastewater system shall be capable of ensuring that all required reporting is completed and submitted on a timely basis.

7. Financial guaranty shall be deposited pursuant to § 7.22 herein to secure the

construction of a new or expanded community wastewater system.

**8.** Regardless of whether the County's wastewater system is utilized, all development shall include wastewater systems built to standards established by the County wastewater utility and may be designed and constructed so that they may be connected to the County utility when available.

**9.** A wastewater system shall meet all applicable requirements of the Public Utility Act, Chapter 62, NMSA 1978.

~~**7.13.10.2. Required Connection to County Wastewater Utility.** Table 7-17 provides the requirements for connection to the County wastewater utility. In all cases, it is the responsibility of the owner/developer/applicant to provide wastewater infrastructure to the point of connection with the County wastewater utility.~~

**7.13.10.32. Where Alternative Wastewater System Allowed.**

**1.** Any wastewater system provided pursuant to this Section shall meet the requirements and standards of 20.7.3 NMAC and 20.6.2 NMAC and shall comply with regulations promulgated by the New Mexico Environment Department.

**2.** Where a development is not required to connect to the County's wastewater system or a public system pursuant to Tables 7-17 or 7-18, an alternative wastewater disposal system shall be used ~~when specified on Table 7-19~~ so long as the appropriate liquid waste permit is obtained from the New Mexico Environment Department and presented to the Administrator as a part of the application.

**3.** Any liquid wastewater treatment system that involves a surface discharge or land application of treated or untreated effluent, shall require presentation of the appropriate permit from the New Mexico Environment Department at the time of application.

14. **The following language shall be added to and deleted from § 7.13.11.2:**

**7.13.11.2. Outdoor Conservation.**

\* \* \*

~~**7.** Car and truck~~ Vehicle washing is only allowed with the use of a shut-off hose nozzle.

\* \* \*

**10.** Swimming Pools of a permanent or temporary nature shall be prohibited on all newly created lots.

15. **7.14.2.5.** To demonstrate compliance with these requirements, a preliminary certification of energy performance, signed and/or stamped by the independent third party verifier, shall be documented on a form provided or approved by the County and included as a part of the application package submitted for development review. Similarly, compliance with the ventilation and thermal enclosure checklist requirements will be documented by submittal of forms signed by an independent third party verifier.

16. **The following edits shall be made and new language shall be added to §7.16.3.1:**



**7.16.3.1.** Development that proposes to remove, demolish or adversely affect a property listed on the new Mexico Register of Cultural Properties and/or the National ~~register~~ Register of historic Places is not permitted unless the applicant first obtains a beneficial use and value determination pursuant to subsection 14.9.8 of the SLDC, and provides a copy of an excavation permit issued pursuant to 4.10.14 New Mexico Administrative Code by the State Cultural Properties Review Committee with approvals from the State Archaeologist and the State Historic Preservation Officer.

17. **The following new language shall be added to §7.16.3.2:**

**7.16.3.2.** Development that affects in any way a Registered Cultural Property (including any removal or demolishing pursuant to the previous paragraph) is not permitted unless the applicant first submits a report concerning the proposed development for review of the Historic Preservation Office, Historic Preservation Officer. The report shall describe in detail the proposed changes to the Registered Cultural Property. Such a report shall be prepared by a professional qualified under § 7.16.8 of this subsection. The report shall include a complete treatment plan for protection and preservation of the Registered Cultural Property, and shall contain at least as much information as is listed in Section 4.10.16.14 New Mexico Administrative Code (“Preliminary Reports”). The treatment plan shall be reviewed by the New Mexico State Historic Preservation Office, Historic Preservation Officer and conditions on the development proposed by the State Historic Preservation Officer may, as appropriate, be incorporated into the development permit.

18. **Four new sections with the following language shall be added as §7.16.4.1, §7.16.4.2, §7.16.4.3, and §7.16.4.4.:**

**7.16.4.1.** On March 19, 2004, Congress enacted Public Law 108-208 as the Galisteo Basin Archaeological Sites Protection Act (“the Act”), Section 2 of which stated that its purpose was “to provide for the preservation, protection, and interpretation of the nationally significant archeological resources in the Galisteo Basin in New Mexico.” The Act found the Galisteo Basin to be “the location of many well preserved prehistoric and historic archeological resources of Native American and Spanish colonial cultures.” Further, that “these resources included the largest ruins of Pueblo Indian settlement in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements...[all of which] are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations.”

**7.16.4.2.** The Act designated some 24 specific sites, comprising 4,591 total acres, as constituting the Galisteo Basin Archaeological Protection Sites. Those sites consist of: Arroyo Hondo Pueblo, Burn Corn Pueblo, Chamisa Locita Pueblo, Comanche Gap Petroglyphs, Espinosa Ridge Site, La Cienega Pueblo & Petroglyphs, La Cienega Pithouse Village, La Cieneguilla Petroglyphs/Camino Real Site, La Cieneguilla Pueblo, Lamy Pueblo, Lamy Junction Site, Las Huertas, Pa’ako Pueblo, Petroglyph Hill, Pueblo Blanco, Pueblo Colorado, Pueblo Galisteo/Las Madres, Pueblo Largo, Pueblo She, Rote Chert Quarry, San Cristobal Pueblo, San Lazaro Pueblo, San Marcos Pueblo, and Upper Arroyo Hondo Pueblo. Section 3 of the Act permits any private property owner included within the boundary of the designated site upon written request to the Secretary of the Interior, to have their property immediately removed from within that boundary. Section 4 of the Act prohibits additions to or deletions from the listed sites except by an act of Congress.

**7.16.4.3.** Section 2 of the Act protects the archeological protection sites by restricting activity on any Federal lands within the sites including but not limited to disposal of lands, mining activity and mineral/geothermal leasing. The Act authorizes the Secretary of the Interior to enter into cooperative agreements with owners of non-Federal lands as to an archaeological protection site located on their property. Such an agreement would enable the Secretary to assist with the protection, preservation, maintenance, and administration of the archaeological resources and associated lands. Section 5 of the Act prohibits the Secretary from administering archaeological protection sites which are on non-Federal lands unless the landowner consents in a cooperative agreement.

**7.16.4.4.** The Act specifically prohibits the regulation of privately owned lands located within archeological protection sites and permits the Department of Interior to only acquire lands or interests within the protected sites with the consent of the owner. Similarly, Section 18-6-10 of the Cultural Properties Act deems it “an act of trespass and a misdemeanor for any person to remove, injure or destroy registered cultural properties situated on private lands or controlled by a private owner without the owner’s prior permission.” Also, under the state law, if a cultural property is on private land and the State Cultural Properties Review Committee determines that cultural property to be worthy of preservation and inclusion on the official register of cultural property, “the Committee may recommend the procedure best calculated to ensure preservation.” The procedures include providing technical assistance to the owner to preserve the cultural property, acquiring the property outright or acquiring an easement, advising the County to consider zoning the property as an historic area/district under the Historic District Act, advising the County of the tools available to obtain control of the cultural property under the Historic District Act, and acquiring the property for the State by use of eminent domain.

19. **The following changes shall be made to §7.16.5.10.**

**7.16.5.10.** For those resources determined to be significant under the previous paragraph and for which a treatment plan is recommended, a sample of surface artifacts shall be collected and documented, and if there is any reason to believe that subsurface resources exist, excavations shall be conducted according to the most current standards of the Historic Preservation Officer set forth in Section 4.10.16.12 NMAC (“~~standards for~~ “Excavation Standards” and Test Excavation”).:-

20. **The following changes shall be made to §7.16.5.12.**

**7.16.5.12.** The total cost of treatment shall not exceed ten percent (10%) of the total cost of development of the applied-for development, including all future phases. If future phases are not planned sufficiently to determine ~~development~~ total development costs, then development of future phases consistent with the applied-for development shall be assumed. ~~To the extent that~~ Where the cost of treatment exceeds ten percent of development costs, treatment shall be completed up to the ten percent limit. ~~extent that funds do not exceed ten percent of the costs of development.~~ If treatment is incomplete, the applicant shall contact the State Historic Preservation Officer and the County’s Open Space and Trails Division for additional funds to complete the treatment. Only if such requests are denied may the treatment plan be terminated and a development permit issued.

21. A new section with the following language shall be added as §7.16.12:

**7.16.12. Excavating an Archaeological Site on Private Land.** Pursuant to Section 18-6-11 of the Cultural Properties Act, no person shall excavate an archaeological site located on private land in the State unless the person obtains a permit issued by the State Cultural Properties Review Committee with approvals from the State Archaeologist and the State Historic Preservation Officer. This requirement shall not apply to the private landowner unless the landowner transfers the property with the intent to excavate an archaeological site.

22. The following new language shall be added at the end of the sentence at § 7.17.5.2.1:

**7.17.5.2. All Other Development.** Subdivision, multi family, non-residential and single family residential development shall comply with the following standards:

1. Drainage structures shall be designed and sized to detain or safely retain storm water on site.
2. Storm drainage facilities shall have the sufficient carrying capacity to accept peak discharge runoff from the development;
3. The peak discharge of storm water resulting from the development shall not exceed the peak discharge calculated prior to the development and differences between pre- and post-development discharge shall be detained or retained on site. Calculation of the design peak discharge of storm water shall be based on a one hundred (100) year frequency, twenty-four (24) hour duration rainstorm;
4. No development shall disturb any existing watercourse or other natural drainage system, in a manner which causes a change in watercourse capacity or time to peak, time of concentration or lag time or other natural drainage system or increase of the pre-development stormwater discharge.
5. All natural drainage ways and arroyos which traverse or affect one or more lots or development sites shall be identified on the plan and/or plat.
6. Erosion setbacks shall be provided for structures adjacent to natural arroyos, channels, or streams such that: (a) a minimum setback of 25' shall be provided from all arroyos with flow rates of 100 cubic feet per second (100 cfs); or (b) a minimum setback of 75' shall be provided from all FEMA designated 100 year Floodplains. Setbacks from FEMA designated Floodplains may be reduced if bank stabilization or stream bed and bank stability is designed or provided by a professional engineer. In no case shall the setback be reduced to less than 25'.
7. For single-family residences, where a proposed development site is located outside of a regulated one hundred (100) year flood plain and on slopes less than ten percent (10%) and the proposed development site, including patios, garages, accessory structures, driveways and other development that decreases the permeability of infiltration of pre-development surfaces is no more than six thousand (6,000) square feet and total impermeable surfaces (roofs, paved areas, patios, etc.) do not exceed twenty-five hundred (2,500) square feet, a retention/detention pond(s) or checkdams(s) with a minimum volume of six

hundred (600) cubic feet shall be installed at a location to be approved by the Code Administrator. Such ponds shall be integrated with the landscaping or revegetation on the lot.

23. **The following changes shall be made to the Table 7-19 heading:**

Table 7-19: Community Water and Wastewater System Requirement for ~~Developments~~ Subdivisions in SDA-2 and SDA-3.

24. **The following new subsections shall be added at the end of § 8.4:**

**8.4.3. Default Zoning.** Any property to which the SLDC applies that is not depicted on the zoning map within a zoning district established in Chapter 8 of the SLDC, shall be deemed to be located in the A/R Zoning District unless otherwise specifically provided for herein.

**8.4.4. Interpretation of Zoning District Densities.** Maximum densities that are specified for zoning districts in this chapter are maximum gross densities that apply to the entire area within a development project or subdivision and are not necessarily minimum lot sizes for individual lots.

25. **The following changes shall be made to § 8.8.5:**

**8.8.5. Side and Rear Setbacks.** For buildings in the PI district that are over 12 feet in height, side and rear setbacks adjacent to any A/R, RUR, RUR-F, RUR-R, RES-F, RES-E, R-C, or TC districts, and any predominantly single-family detached or attached dwelling districts or sub-districts in areas subject to community district zoning, as well as any existing or approved development consisting of predominantly single-family detached dwellings or 1- or 2-story duplex or single-family detached dwellings in MU or PDD districts, are ~~outlined~~ outlined in Table 8-16 ~~below~~ above.

26. **The following new subsection shall be added as § 8.10.9.1:**

**8.10.9.1. Existing Neighborhood Zones.** Existing Neighborhood Zones established in the Santa Fe Community College District shall have a minimum lot size of 2.5 acres per dwelling unit.

27. **The following new subsection shall be added as § 8.10.11:**

**8.10.11. Existing Master Plans Identified as PDDs.** In order to recognize existing approvals, PDDs identified on the initial zoning map may be built out in accordance with their approved master plans which were approved prior to the effective date of this SLDC.

**8.10.11.1. Expansion of existing PDDs.** Non-residential structures within an existing PDD may expand up to twenty-five (25%) under a conditional use permit.

28. **Table 8-13 shall be changed as follows:**

a. In the “Density” row, add “(# acres per dwelling Unit)” after the word “Density”; in the same row strike ~~n/a~~ and replace with 2.5\*\*.

b. Under the first footnote marked by a single asterisk, add the following new footnote, \*\* density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

A complete version of Table 8-13 depicting all technical changes follows:

**Table 8-13: Dimensional Standards – CG (Commercial General).**

CG Zoning District	CG
Density (# acres per dwelling Unit)	2.5**
Multifamily Density*	Up to 20
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	48
Lot coverage (maximum, percent)	80

\*Multi-Family Residential shall comply with supplemental use standards in Chapter 10.

\*\* density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

29. **Table 8-14 shall be changed as follows:**

a. In the “Density” row, add (# acres per dwelling Unit) after the word “Density”; in the same row strike n/a and replace with 2.5\*\*\*.

b. Under the second footnote marked by a double asterisk, add the following new footnote, \*\*\* density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

A complete version of Table 8-14 depicting all technical changes follows:

**Table 8-14: Dimensional Standards – CN (Commercial Neighborhood).**

CN Zoning District	CN
Density (# acres per dwelling Unit)	2.5***
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Lot coverage (maximum, percent)	80
Maximum building size (aggregate)	50,000*
Maximum size of individual establishments (sq.ft.)	15,000**

\*Building size may be increased up to 100,000 square feet with the issuance of a conditional use permit.

\*\*Establishment size may be increased up to 30,000 square feet with the issuance of a conditional use permit.

\*\*\* density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

30. **Table 8-15 shall be changed as follows:**

a. In the “Density” row, strike ~~maximum, dwelling units/acre~~ and replace with # acres per dwelling Unit; in the same row replace “n/a” with “2.5\*.”

b. Below Table 8-15, add a footnote with the following language, \*density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

A complete version of Table 8-15 depicting all technical changes follows:

**Table 8-15: Dimensional Standards – I (Industrial).**

<b>Zoning District</b>	<b>I</b>
Density (# acres per dwelling Unit)	2.5*
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	50
Lot coverage (maximum, percent)	70%

\*density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

31. **Table 8-16 shall be changed as follows:**

a. In the “Density” row, add # acres per dwelling Unit after the word “Density”; in the same row strike ~~n/a~~ and replace with 2.5\*.

b. Below Table 8-16, add a footnote with the following language, \*density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

A complete version of Table 8-16 depicting all technical changes follows:

**Table 8-16 Dimensional Standards – PI (Public/Institutional)**

<b>PI Zoning District</b>	<b>CN</b>
<b>Density (# acres per dwelling Unit)</b>	2.5*
<b>Frontage (minimum, feet)</b>	40
<b>Lot width (minimum, feet)</b>	n/a
<b>Lot width (maximum, feet)</b>	n/a
<b>Height (maximum, feet)</b>	48
<b>Lot coverage (maximum, percent)</b>	80

\*density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

32. The following deletions and additions shall be made to § 10.15:

**~~10.15. COMMUNITY SERVICE FACILITIES.~~**

~~10.15.1. General Requirements. Community service facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches.~~

~~10.15.2. Standards. Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that:~~

~~10.15.2.1. The proposed facilities are necessary in order that community services may be provided for in the County;~~

~~10.15.2.2. The use is compatible with existing development in the area and is compatible with development permitted under the Code; and~~

~~10.15.2.3. A master plan and preliminary and final development plan for the proposed development are approved.~~

**10.15. TRADE CONTRACTOR.**

10.15.1. Applicability. This section shall apply to all trade contractor businesses.

10.15.2. Standards. Trade contractor businesses located within a Residential Base Zoning District shall meet design standards within this SLDC in addition to the following standards:

10.15.2.1. No more than five (5) large commercial vehicles shall be permitted in a trade contractor business;

10.15.2.2. Outside storage shall not exceed 1500 square feet, including vehicle storage, and shall be screened by a six-foot high solid wall or fence. All other storage shall be within a building.

33. The following new language shall be added to § 10.15.2.3:

~~10.15.2.3. A master plan and preliminary and final~~ site ~~development plan for the proposed development are~~ is approved.

34. The following new section shall be added directly after § 10.22:

**10.23. AUTOMOTIVE PAINT AND BODY BUSINESS.**

10.23.1. Applicability. This section shall apply to all automotive paint and body businesses.

**10.23.2. Standards. Automotive paint and body businesses shall meet design standards within this SLDC in addition to the following standards:**

**10.23.2.1. All automotive paint and body work shall be conducted within an insulated building with appropriate air filters to minimize both noise and odors;**

**10.23.2.2. Stored vehicles shall be located behind a six-foot high solid wall or fence;**

**10.23.2.3. Structures related to a paint and body business shall be set back a minimum of 75 feet from residential property boundaries.**

35. **The following change shall be made to § 11.2.4:**

**11.2. DESIGNATION.** On account of their potential impact on the County as a whole, the following activities are deemed DCIs subject to the requirements of this chapter:

11.2.1. oil and gas drilling and production;

11.2.2. mining and resource extraction;

11.2.3. substantial land alteration;

11.2.4. sanitary landfills;

11.2.5. junkyards;

11.2.6. large-scale feedlots and factory farms; and

11.2.7. sand and gravel extraction that is of a scope and scale, as determined by subsequent amendment to the SLDC, that it merits regulation as a DCI pursuant to subsection 11.3.6. of the SLDC.

36. **The following changes shall be made to § 13.7.1:**

### **13.7. ALTERNATIVE MEANS OF COMPLIANCE.**

**13.7.1.** A Project may alternatively meet all or a portion of its obligation to provide Affordable Housing by:

**13.7.1.1.** providing Affordable Units outside the Project but within central and northern Santa Fe County, as shown on Map 14-1;

**13.7.1.2.** making a cash payment ~~that is equal to or greater value than would have been required if the Project had been constructed or created Affordable Units as provided in this Chapter,~~ calculated by applying the methodology set forth in the Affordable Housing Regulations;

**13.7.1.3.** dedicating property suitable for construction of Affordable Units outside the Project but within central and northern Santa Fe County, as shown on Map 14-1, whose



value is equal to or greater than ~~that which would have been required if the Project had been constructed or created Affordable Units as provided in this Chapter, the required minimum value calculated by~~ applying the methodology set forth in the Affordable Housing Regulations; or

**13.7.1.4.** otherwise providing Affordable Units in a manner that is consistent with the goals and objectives of this Chapter including providing rental ~~homes~~ affordable units in lieu of ~~homes~~ affordable units for purchase, so long as ~~the initial market value rental payments do not exceed that which an affordable buyer would have to pay to purchase a home in the maximum target monthly rents of the affordable units are at or below what is the income ranges specified in the aAffordable hHousing rRegulations.~~

37. **The following changes shall be made to § 13.7.5.4:**

**13.7.5.4.** a cash payment or property provides a greater overall public benefit than if the Affordable Units were constructed within the ~~Project or~~ Project or Minor Project that would have otherwise provided for mixed-income development; and

38. **The following changes shall be made to § 13.9:**

**13.9. LONG-TERM AFFORDABILITY.**

**13.9.1.** Each Affordable Housing Agreement shall include a form of lien, mortgage or other instrument (herein after referred to as "the Affordability Mortgage or Lien") that shall be executed and recorded along with the deed conveying the Affordable Unit to the first buyer, and that instrument shall create a mortgage or lien in favor of the County in the amount of the difference between the Maximum Target Housing Price and ninety-five percent of the unrestricted fair market value of the Affordable Unit at the time of initial sale, as determined by an appraisal approved by the County, ~~which specifies that the value of the mortgage or lien is calculated at any given point by multiplying the number of full years that have elapsed from the date of first sale of the Affordable Unit by 0.10 and then multiplying that result by the difference between the Maximum Target Housing Price and ninety five percent of the unrestricted fair market value of the Affordable Unit at the time of initial sale.~~ The liens, mortgages or other instruments shall include a formula for reduction of the principal amount as set forth in the Affordable Housing Regulations. The liens, mortgages or other instruments shall be ~~dilly~~ duly executed and recorded in the Office of the County Clerk.

\* \* \*

**13.9.3.** ~~The lien, mortgage or other instrument shall also provide that, when the Affordable Unit is sold or refinanced, the County shall share in the appreciation in the same percentage as the proportion of the county's initial lien to the initial market value of the home.~~

**13.9.4. 13.9.3.** The form of the instrument described above, and the methodology for determining the initial market value of the Affordable Unit shall be specified in the Affordable Housing Regulations.

39. **The following changes shall be made to the title at § 14.9.9.7:**

**14.9.9.7. Changes in-Nonconforming Uses.**

40. The following new definition of “Commercial Solar Energy Production Facility” shall be added to Appendix A.

**Commercial Solar Energy Production Facility:** is a renewable energy production facility that uses sunlight to generate energy for sale or profit.

41. The following new definition of “Community Service Facility” shall be added to Appendix A.

**Community Service Facility:** is a facility which provides service to a local community organization. Such facilities may include governmental services such as police and fire stations; elementary and secondary day care centers; schools and community centers; and churches and other places of worship.

42. The following changes shall be made to the definition of “Community Water System” found in Appendix A.

**Community Water System:** a water supply system or community well that is under central or common ownership and/or management that serves ~~five (5)~~ fifteen (15) or more service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents dwelling units or commercial units, including a Water and Sanitation District, that uses permitted water rights rather than domestic wells licensed by the State Engineer under § 72-12-1.1 NMSA 1978.

43. The following new definition of “Retreat” shall be added to Appendix A.

**Retreat:** A property or facility used for professional, educational, health-related or religious meetings, conferences, or seminars and which may provide meals, overnight accommodations, and/or recreation for participants.

44. The following change shall be made to the definition of “Zoning Map” in Appendix A.  
The reference to “§ 8.5” shall be stricken and replaced with “§ 8.4”.

45. The following changes shall be made to Appendix B, Use Table (attached), where new language is underlined and deleted language is stricken through:

**On Page Appendix B: 1**

a. Rows for “Single family detached units,” “Single family attached units,” “Duplex” and “Retirement” under the “Commercial General” column, shall change from an ~~X~~ which indicates “Prohibited” and shall be stricken to P indicating “Permitted.”

b. A new row shall be added for Retreats.

c. Retreats shall include a P indicating “Permitted” in the columns “Agriculture/Ranching,” “Rural,” “Rural Fringe Commercial Neighborhood,” “Mixed Use, Commercial General,” “Public Institutional” and Planned Development.” Retreats shall include a C indicating “Conditional” in the columns “Rural Residential,” “Residential Fringe,” “Residential Estate,” “Residential Community” and “Traditional Community.” Retreats shall include an X indicating “Prohibited” in the column “Industrial.”

d. Change row entitled “Parts, accessories, or tires” to add Automotive such that the row shall read “Automotive parts, accessories, or tires.”

## On Page Appendix B: 2

- a. Strike row entitled ~~Camps, camping, and related establishments~~.
- b. Change row for “Special Trade Contractor” by removing the word ~~Special~~ and replacing it with plumbing, electrical, roofing, painting, landscaping such that the row shall read Trade contractor, plumbing, electrical, roofing, painting, landscaping. This row shall include a C indicating “Conditional” for “Traditional Community.” This row shall include a P indicating “Permitted” for the columns “Commercial Neighborhood,” “Mixed Use” and “Commercial General.”
- c. Add new row entitled Automotive paint and body. Include an X indicating “Prohibited Use” in the following columns “Agriculture/Ranching,” “Rural,” “Rural Fringe,” “Rural Residential,” “Residential Fringe,” “Residential Estate,” “Residential Community,” “Traditional Community,” “Public Institutional,” and “Planned Development.” This row shall include a C indicating a “Conditional Use” in the columns “Commercial Neighborhood” and “Mixed Use.” This row shall include a P indicating “Permitted Use” in the columns “Commercial General” and “Industrial.” Add Section 10 to the “Special Conditions” column.
- d. Change the columns entitled “Agriculture/Ranching,” “Rural, Rural Fringe,” “Rural Residential,” “Residential Fringe,” “Residential Estate,” “Residential Community,” “Traditional Community,” “Commercial Neighborhood,” “Mixed Use,” “Commercial General,” “Industrial,” “Public Institutional,” and “Planned Development” to DCI and strike all ~~Es~~, ~~Xs~~ and ~~Ps~~ in the row entitled “Automotive, wrecking and graveyards, salvage yards, and junkyards.”
- e. Change row entitled “Demolition business” to add building and structures such that the row shall read Demolition, building and structure business. The columns entitled “Commercial General” and “Planned Development” shall be changed to a C indicating “Conditional Use.”
- f. Strike the ~~Recycling business~~ row.

## On Page Appendix B: 3

- a. Add mini-storage units to “Mini-warehouse” row such that row shall read “Mini-warehouse, mini-storage units.” Columns shall change to a C indicating a “Conditional Use” in the following columns “Commercial Neighborhood” and “Mixed Use.” Column shall change to a P indicating a “Permitted Use” for the following column “Commercial Neighborhood.”
- b. Add a new row “Movie Ranch.” Include a P which indicates a “Permitted Use” in the following columns “Agriculture/Ranching,” “Rural,” “Rural Fringe,” “Rural Residential,” “Residential Fringe,” “Commercial Neighborhood,” “Mixed Use,” “Commercial General,” “Industrial,” “Public Institutional,” and “Planned Development.” This row shall include a C indicating a “Conditional Use” in the following columns “Residential Estate,” “Residential Community,” and “Traditional Community.”

## On Page Appendix B: 4

- a. Rows for “Camps,” “camping,” and “related establishments” shall change to C indicating a “Conditional Use” in the following columns “Rural Residential,” “Residential Fringe,” “Residential Estate,” “Residential Community,” and “Traditional Community.” Change to a P indicating a “Permitted Use” in and “Planned Development.”
- b. Add a new row Community Center. Include a P indicating a “Permitted Use” in the following columns “Agriculture/Ranching,” “Rural,” “Rural Fringe,” “Commercial Neighborhood,”

“Mixed Use,” “Commercial General,” “Public Institutional” and “Planned Development.” This row shall include a C indicating a “Conditional Use” in the following columns “Rural Residential,” “Residential Fringe,” “Residential Estate,” “Residential Community,” and “Traditional Community.” This row shall include an X indicating a “Prohibited Use” in the column entitled “Industrial.”

c. Change the row for “Funeral Homes” to include a P indicating “Permitted” in the “Industrial” column.

#### **On Page Appendix B: 5**

a. The row for “Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage” shall change to a P indicating “Permitted” in the column “Commercial General.” This row shall change to an X which is a “Prohibited Use” in the column “Traditional Community.” This row shall change to a C indicating a “Conditional Use” in the columns “Commercial Neighborhood” and “Planned Development.”

#### **On Page Appendix B: 6**

a. The row for “Composting facility” shall change to a P indicating a “Permitted Use” in the columns “Agriculture/Ranching,” “Rural,” “Rural Fringe,” “Commercial Neighborhood,” “Mixed Use,” “Commercial General,” “Industrial,” “Public Institutional.” This row shall change to a C indicating a “Conditional Use” in the columns “Rural Residential,” “Residential Fringe,” “Residential Estate,” and “Residential Community.”

b. A new row shall be added entitled Recycling transfer station. This row shall include a P indicating “Permitted” in the columns “Agriculture/Ranching,” “Rural,” “Rural Fringe,” “Commercial Neighborhood,” “Mixed Use,” “Commercial General,” “Industrial,” “Public Institutional” and “Planned Development.” This row shall include a C indicating a “Conditional Use” in the columns “Rural Residential,” “Residential Fringe,” “Residential Estate,” “Residential Community,” “Traditional Community.”

c. A new row shall be added entitled Solid waste collection transfer station (Governmental). This row shall include a P indicating “Permitted” in the columns “Agriculture/Ranching,” “Rural,” “Rural Fringe,” “Commercial Neighborhood,” “Mixed Use,” “Commercial General,” “Industrial,” “Public Institutional” and “Planned Development.” This row shall include a C indicating a “Conditional Use” in the columns “Rural Residential,” “Residential Fringe,” “Residential Estate,” “Residential Community” and “Traditional Community.”

d. The word (Private) shall be added to the row “Solid waste collection transfer station” such that the row shall read Solid waste collection transfer station (Private).

e. The row ~~Communication tower~~ shall be stricken.

f. A new row shall be added entitled Wireless Communication Facilities, co-location, surface mounted, new tower up to 49 feet. This row shall include a P indicating “Permitted” in the columns “Agriculture/Ranching,” “Rural,” “Rural Fringe,” “Rural Residential,” “Residential Fringe,” “Residential Estate,” “Residential Community,” “Traditional Community,” “Commercial Neighborhood,” “Mixed Use,” “Commercial General,” “Industrial,” “Public Institutional” and “Planned Development.”

g. A new row shall be added entitled Wireless Communication Facilities, new tower 50-74 feet. This row shall include a C indicating a "Conditional Use" in the columns "Agriculture/Ranching," "Rural," "Rural Fringe," "Rural Residential," "Residential Fringe," "Residential Estate," "Residential Community," "Traditional Community" and "Planned Development." This row shall include a P indicating "Permitted" in the columns "Commercial Neighborhood," "Mixed Use," "Commercial General," "Industrial, Public Institutional."

h. A new row shall be added entitled Wireless Communication Facilities, new tower 75-99 feet. This row shall include a C indicating a "Conditional Use" in the columns "Agriculture/Ranching," "Rural," "Rural Fringe," "Rural Residential," "Residential Fringe," "Residential Estate," "Residential Community," "Traditional Community," "Commercial Neighborhood," "Mixed Use," "Commercial General," "Industrial," "Public Institutional" and "Planned Development."

i. A new row shall be added entitled Wireless Communication Facilities, new tower 100 plus feet. This row shall include a C indicating a "Conditional Use" in the columns "Agriculture/Ranching," "Rural," "Rural Fringe" and "Rural Residential." This row shall change to an X indicating a "Prohibited Use" in the columns "Residential Fringe," "Residential Estate," "Residential Community," "Traditional Community" and "Planned Development."

j. The row entitled "Telecommunications and Broadcasting station" shall be changed to strike the words ~~Telecommunications and~~ such that the row shall then read "Broadcasting station."

#### **THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY**

By: \_\_\_\_\_  
Daniel W. Mayfield, Chair

**ATTESTED:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gregory S. Shaffer, County Attorney